

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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MICHEAL ALLEN,

Case No. 3:18-cv-00513-MMD-CBC

Plaintiff,

ORDER

v.

LAS VEGAS COUNTY, *et al.*,

Defendants.

I. DISCUSSION

Plaintiff, who is a prisoner in the custody of the Nevada Department of Corrections ("NDOC"), has filed an incomplete application to proceed *in forma pauperis*. (ECF No. 1). Plaintiff has not filed a complaint in this matter.

Pursuant to Federal Rule of Civil Procedure 3, “[a] civil action is commenced by filing a complaint with the court.” Fed. R. Civ. P. 3. Therefore, the Court grants Plaintiff thirty (30) days from the date of this order to submit a complaint to this Court.

Pursuant to 28 U.S.C. § 1915(a)(2) and Local Rule LSR 1-2, Plaintiff must complete an application to proceed *in forma pauperis* and attach both an inmate account statement for the past six months and a properly executed financial certificate. Plaintiff has not submitted a properly executed financial certificate or an inmate account statement. (See ECF No. 1). Therefore, the *in forma pauperis* application is denied without prejudice. Plaintiff will be granted an opportunity to cure the deficiencies of his

1 application to proceed *in forma pauperis*, or in the alternative, pay the full filing fee for this
2 action. If Plaintiff chooses to file a new application to proceed *in forma pauperis*, he must
3 include a properly executed financial certificate and an inmate account statement.

4 **II. CONCLUSION**

5 For the foregoing reasons, IT IS ORDERED that a decision on the application to
6 proceed *in forma pauperis* (ECF No. 1) is denied without prejudice to filing a new
7 application.

8 IT IS FURTHER ORDERED that the Clerk of the Court SHALL SEND Plaintiff the
9 approved form application to proceed *in forma pauperis* by a prisoner, as well as the
10 document entitled information and instructions for filing an *in forma pauperis* application.

11 IT IS FURTHER ORDERED that within **thirty (30) days** from the date of this order,
12 Plaintiff shall either: (1) file a fully complete application to proceed *in forma pauperis*, on
13 the correct form with the required properly executed financial certificate and inmate
14 account statement in compliance with 28 U.S.C. § 1915(a); or (2) pay the full \$400 fee for
15 filing a civil action (which includes the \$350 filing fee and the \$50 administrative fee).

16 IT IS FURTHER ORDERED that Plaintiff shall submit a complaint to this Court
17 within thirty (30) days from the date of this order.

18 IT IS FURTHER ORDERED that the Clerk of the Court shall send to Plaintiff the
19 approved form for filing a 42 U.S.C. § 1983 complaint and instructions for the same.

20 IT IS FURTHER ORDERED that if Plaintiff does not timely comply with this order,
21 dismissal of this action may result.

22 DATED: October 30, 2018.

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24 UNITED STATES MAGISTRATE JUDGE